

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

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ANDRE BISASOR,  
Plaintiff,

vs.

CRAIG S. DONAIS, RUSSELL F.  
HILLIARD, DONAIS LAW OFFICES  
PLLC, UPTON AND HATFIELD LLP,  
and MARY K. DONAIS,  
Defendants.

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Case No. 1:23-cv-374-JL-TSM

**DEFENDANTS RUSSELL F. HILLIARD’S AND UPTON & HATFIELD, LLP’S  
OBJECTION TO PLAINTIFF’S MOTION FOR SANCTIONS (Doc. no. 198)**

NOW COME Defendants Russell F. Hilliard (“Hilliard”) and Upton & Hatfield, LLP (“Upton & Hatfield”) (collectively “Defendants”) and submit the following Opposition to Plaintiff’s Motion for Sanctions Against the Hilliard Defendants (the “Motion for Sanctions”). Plaintiff’s Motions for Sanctions is devoid of any merit, recycles arguments already rejected by this Court, and continues to waste resources of this Court and the Defendants.

The sole basis for Plaintiff’s Motion for Sanctions is Plaintiff’s misunderstanding of the dates that Mr. Hilliard was served with the *original* Complaint and the *Amended* Complaint. When this matter was removed to Federal Court, Upton & Hatfield, which was never formally served with the summons and Complaint, used the date that Hilliard (a partner of the LLP) received notice of the Amended Complaint even though Upton & Hatfield (as an LLP). Since Upton & Hatfield was not a party to the original Complaint and was not a party prior to Plaintiff’s filing of his Amended Complaint on May 4, 2023, it could not have removed this matter to Federal Court before it was a party. It is unclear what Plaintiff is attempting to argue by alleging Mr. Hilliard was served with the original Complaint in April 2023, or any prejudice he alleges he has suffered as a result of his

misunderstanding of the dates that he attempted to serve Mr. Hilliard with the original or Amended Complaint.

The Defendants also note that during the April 23, 2024 Status Conference, Plaintiff represented to the Court that for reasons previously detailed to the Court in sealed filings but not made available to Defendants, he could not file Replies to Defendants' Oppositions to his Motion to Amend until May 13, 2024, and was not available for a hearing on the Motion to Amend until May 24, 2024. Nonetheless, before the extended May 13, 2024 deadline, Plaintiff filed a Motion for Discovery (Doc. no. 197), this Motion for Sanctions (Doc. no. 198), a Motion for Sanctions as to the Donais Defendants (Doc. no. 199), and an Emergency Motion for Clarification Pertaining to Plaintiff's Intent to Renew Motion for Appoint [sic] of Counsel and Renew Motion to Obtain Free Transcript and on the Sealing of Documents in Support of Indigency (Doc. no. 201). As he admits in his "Notice of Statement of Concurrence of Recent Motions" (Doc. no. 200), Plaintiff did not confer with Defendants before filing certain of these motions, as required by the Local Rules. This ongoing pattern has delayed resolution of the pending motions to dismiss, and this matter has been indefinitely delayed as a result.

WHEREFORE, Defendants Russell F. Hilliard and Upton & Hatfield, LLP respectfully request this Court deny Plaintiff's Motion for Sanctions, along with any other relief the Court deems proper.

Respectfully submitted,

The Defendants,  
RUSSELL F. HILLIARD and  
UPTON & HATFIELD, LLP,

By their attorneys,

Dated: May 20, 2024

/s/ Daniel R. Sonneborn

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### **CERTIFICATE OF SERVICE**

I hereby certify that I caused a true copy of this document to be served via electronic filing on all counsel of record or pro se parties on May 20, 2024.

/s/ Daniel R. Sonneborn

Daniel R. Sonneborn